

FOIA-80-634
REC'D 12-23-80

FREEDOM OF INFORMATION ACT REQUEST

P.O. Box 26
Piedmont, SD 57769
(605) 787-5815

December 14, 1980

Freedom of Information Officer
Nuclear Regulatory Commission
Washington DC

Re: Radiation readings at
Edgemont uranium mill

Dear FOIA Officer:

Pursuant to the Freedom of Information Act as amended
(5 USC §552) I hereby request the following information:

(1) Any and all records, documents, memorandums, letters, reports, of any kind of radiation levels and ambient air levels of toxic and radioactive substances within the Susquehanna-Western, Inc. uranium/vanadium mill operated by Mines Development, Inc. This request is limited to the time period between January 1973 and January 1977 and concerns only the levels within the buildings at the mill and the general background levels, but not the levels from the tailings piles.

(2) As to the aforesaid mill, any and all records of any kind of the exposure of mill workers, Neil Allan Brafford and Thomas P. Helsel, to the aforesaid radioactivity and toxic and radioactive substances, including, but not limited to all forms of radiation, uranium, vanadium, lead, radon gas, radium, and selenium and arsenic. The records include, but are not limited to, urine analysis, blood tests, dosimeters, and tests of samples of tissue from the lungs, mouth, or nose. The aforesaid workers were employed in the vat rooms at the mill in 1974 and/or 1975, and have authorized me as their attorney to obtain the information.

(3) The names and last known addresses, or any record containing such, of any and all persons having the responsibility of taking, testing, and reporting the information mentioned in (1) and (2) above to the Atomic Energy Commission or the Nuclear Regulatory Commission.

(4) Records of the standards employed by the Atomic Energy Commission or the Nuclear Regulatory Commission for mill worker exposure to radiation and toxic and radioactive substances during the years of 1973 through 1977.

As you know, the amended Act provides that if some parts of a file are exempt from release that "reasonably segregable" portions be provided. I therefore request that in such situations, you immediately provide me with a copy of the remainder of the materials and advise me as to which exemption(s) you believe cover that which you are not releasing. I reserve my right to appeal any such decision.

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As provided in the amended Act, I will expect a reply within ten (10) working days. I am making this request on behalf of the Black Hills Alliance, a duly incorporated non-profit environmental organization having a special concern with the development of the uranium industry in western South Dakota. The Alliance has received tax-exempt status from the Internal Revenue Service in recognition of its public-interest purpose. The information received as a result of this request will be analyzed and summarized and disseminated generally to the public concerning the hazards, if any, of radiation and exposure to toxic substances to workers at the old uranium mill in Edgemont. The information will help the general public to assess for themselves the advantages and disadvantages to the public of further development of the industry in South Dakota from the history of the industry's performance here. I therefore believe that the information furnished will be used primarily for the benefit of the general public and not for anyone's personal or private gain. Therefore, as provided for in the Act, I request that all costs and fees regarding this request be waived in recognition of the above. The Nuclear Regulatory Commission has never charged the Alliance for its FOIA requests and has waived all costs and fees concerning the many past requests. The Alliance has also received waivers from all federal agencies it has made FOIA requests, including the Department of Agriculture, Department of the Interior, Department of Defense, and subdivisions of those departments.

Should you decide to assess any fees or costs, I request the opportunity to submit further information concerning the eligibility of the Alliance for waivers and to be notified before the assessment of any costs or fees over \$50.00.

Sincerely yours,

Andrew B. Reid

Andrew B. Reid, Attorney
BLACK HILLS ALLIANCE